

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

ROBERT G. SAENZ,

Plaintiff,

v.

BRINTON, *et al.*,

Defendants.

Case No. 1:21-cv-01448-DAD-BAM (PC)

**ORDER VACATING DEADLINE FOR  
PLAINTIFF TO FILE NOTICE OF  
VOLUNTARY DISMISSAL OR FIRST  
AMENDED COMPLAINT**

(ECF No. 17)

Plaintiff Robert G. Saenz (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action.

On November 13, 2023, the Court screened Plaintiff’s complaint and granted Plaintiff leave to file a first amended complaint or a notice of voluntary dismissal. (ECF No. 14.) Plaintiff filed a notice of voluntary dismissal of Defendant G. Brinton on December 14, 2023. (ECF No. 16.) In response, on December 15, 2023, the Court issued an order regarding the dismissal of Defendant Brinton from this action and directing Plaintiff to file either a notice of voluntary dismissal of the entire action or a first amended complaint within thirty days. (ECF No. 17.) The same date, after the Court’s order was issued, Plaintiff filed a first amended complaint. (ECF No. 18.)

As it appears the Court’s order crossed in the mail with Plaintiff’s first amended complaint, the Court **HEREBY VACATES** the deadline for Plaintiff to file a notice of voluntary

1 dismissal or a first amended complaint. The first amended complaint filed on December 15, 2023  
2 is accepted for filing, and will be screened in due course.  
3 IT IS SO ORDERED.

4 Dated: December 18, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE